

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at WINCHESTER

ANGELA K. MAY,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

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Case No. 4:08-cv-77

Judge Mattice

ORDER

United States Magistrate Judge William B. Mitchell Carter filed his report and recommendation pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b) on December 30, 2009 [Court Doc. 19]. Neither party filed objections within the given 14 days.

After reviewing the record, the Court agrees with Magistrate Judge Carter's report and recommendation. The Court thus **ACCEPTS** and **ADOPTS** Magistrate Judge Carter's findings of fact, conclusions of law, and recommendations pursuant to § 636(b)(1) and Rule 72(b).

Accordingly, the Court **ORDERS** that Plaintiff's Motion for Judgment on the Pleadings [Court Doc. 12] is **GRANTED IN PART** and **DENIED IN PART** and that Defendant's Motion for Summary Judgment [Court Doc. 17] is **DENIED**. The Commissioner's decision denying benefits is **REVERSED** and **REMANDED** pursuant to Sentence Four of 42 U.S.C. § 405(g) for further evaluation.

SO ORDERED this 15th day of January, 2010.

/s/Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE